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Chief Judge: Karen A. Overstreet
Chapter: 13
Hearing Location: ex parte
Hearing Date:
Hearing Time:
Response Date:

5 UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
6

7 In re:
8 JAMES GARY WADE

10 Debtor(s).

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11 CAUSE NO. 07-12651
STIPULATED ORDER TO ALLOW
(1) DEBTOR TO PURCHASE USED
VEHICLE 100% PAYMENT CASE
(2) EX PARTE ATTORNEY FEE
OF \$200

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13 On June 11, 2007 the debtor filed for relief under chapter 13 herein. The debtor has since
14 now needed a new used vehicle. two vehicles of which one was surrendered, the other with over
15 150,000 miles. The Plan was approved on 8-28-07. Since the confirmation, the vehicle has been
16 used by the debtor to commute to and from work. The debtor needs another vehicle immediately
17 to get to and from work.

18 **Prior discussion with Chapter 13 Trustee:**

19 The debtor and trustee's office have spoken and they would recommend approval of a
20 loan up to \$13,400 with payments of \$365 or less. The debtor has found such a vehicle at
21 Mazda of Everett a 2008 Ford Focus for \$12,995 paid at \$361.12 at 19.95%.

22 The debtor has been advised by the undersigned attorney advised them they must have a
23 court order to purchase. The debtor want to purchase the vehicle which monthly payment which
24 shall be \$365 or less a month and 22% or lower interest rate and a price of \$13,400 or less
25 excluding taxes and license & tabs. The debt will be owed post-petition and post-discharge .

26 As a result, the debtor requests that the court and trustee approve a court order which
27 allows the debtor to finance \$13,400 maximum plus taxes and license and tabs in the purchase of
28 a vehicle for use by the debtor with payments of \$365 or less at an interest rate of 22% or less.

1 The payments will be made by the debtor directly to the creditor and the debtor will provide
2 proof of insurance to the chapter 13 trustee herein after purchasing said vehicle and obtaining
3 said insurance.

Effect on Plan: This will not affect the plan as it is a **100% payment case type plan** and the debtor needs to work in order to be able to make the plan payments.

6 The debtor's attorney has incurred in obtaining the information for this order and
7 presentation the amount of \$200 in legal fees unpaid and is requested to be paid in the plan by
8 this order.

STIPULATION

10 And based on the foregoing declaration, the chapter 13 trustee and the debtor agree to that
11 order set forth below and all parties agree to facsimile signatures.

STIPULATED ORDER

13 This matter having come on before the court upon the request of the debtor and approved
14 by the chapter 13 trustee herein, by and through their undersigned attorneys, and the Court
15 having considered this pleading, and the records and the files herein, and the Court being fully
16 advised,

ORDERED, ADJUDGED AND DECREED as follows:

18 1. The debtor's purchase of a vehicle by financing loan of up to \$13,400 plus taxes and
19 license and tabs with payments of \$365.00 or less per month at 22% or less interest rate;

20 2. The debtor shall notify the chapter 13 trustee of the secured creditor's name, address,
21 account number, telephone number and provide a copy of any contract to the chapter 13 trustee
22 concerning such purchase;

23 3. The debtor shall maintain insurance on said vehicle and provide a copy of such change
24 of coverage to the chapter 13 trustee when received evidencing insurance on the purchased
25 vehicle;

26 4. The debtor will pay directly to the secured creditor or any assignee thereof the
27 payments on said used vehicle in accordance with the contract terms.

28 5. The debtors attorney is hereby awarded the amount of \$200 to be paid as the debtor's

1 attorney in this case as a reasonable payment of work in this order and obtaining thereof and to
2 be paid by the chapter 13 trustee in the normal course of their affairs.

3 DATED AS OF ENTERED ON DOCKET DATE ABOVE
4

5 HONORABLE CHIEF JUDGE KAREN A. OVERSTREET
6

7 Approved as to form & entry,
8 Presented by:
9 MICHAEL FITZGERALD ESQ

10 WSBA #08115
11 CHAPTER 13 TRUSTEE and ATTORNEY AT LAW
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13 Approved as to form & entry,
14 notice of presentation waived by:
14 RICHARD D. GRANVOLD

15 /S/ Richard D. Granvold
16 WSB#16903
16 ATTORNEY FOR DEBTOR
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